

25th March., 2026

Item no.D/L 16&17
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Case No.

WPA 27057 of 2025

In the matter of :

Amrita Kumar

.... *Petitioner*

VS.

Union of India & Ors.

....Respondents

For the Petitioner:

Mr. Anand Bhandari

Mr. Urgen Lama

....*Advocates*

For the Union of India:

Mr. Anjan Sengupta

Mr. Narendra Prasad Gupta

....*Advocates*

For the Respondent nos. 2-4:

Ms. Sayani Roy Chowdhury

...*Advocate*

For the Respondent nos. 5&6:

Mr. Chandrachur Chatterjee

Ms. Rubab Fatma

....*Advocates*

With

Case No.

WPA 19452 of 2024

In the matter of:

Sukumar Bahadur & Anr.

.... *Petitioners*

VS.

Union of India & Ors.

....Respondents

For the Petitioners:

Mr. Chandrachur Chatterjee

Ms. Rubab Fatma

....*Advocates*

For the Union of India:

Mr. Rajendra Banerjee

Mr. Goutam Sardar

....Advocates

For the Respondent nos. 5&6:

Mr. Anand Bhandari

Mr. Urgan Lama

....Advocates

1. One Sankar Bahadur was an employee of the Indian Statistical Institute. He died-in-harness on 27th May, 2022 leaving behind his wife, namely, Amrita Kumar, petitioner in WPA 27057 of 2025, and a daughter who is currently seven years of age.
2. In the service record of the employee, the name of Sukumar Bahadur & Maya Thapa, the petitioners in WPA 19452 of 2024, the brother and sister of the employee were mentioned as nominees of his gratuity and provident fund dues.
3. Grievance of the widow is that the terminal dues of her deceased husband have not been released till date. The widow prays for releasing the terminal dues in her favour as she claims that she is the sole class one heir of the deceased.
4. Grievance of the brother and sister of the deceased employee is that the dues of provident fund and gratuity ought to be released in their favour, being the nominees recorded in the service record of the employee, and not in favour of the widow. The brother and sister of the deceased employee pray for disbursing the gratuity and provident fund dues in their favour.
5. None of the parties in the writ petitions under consideration, challenge the factum of marriage of the employee with Amrita Kumar.
6. Learned advocate representing the brother and sister of the deceased employee submits that the relationship between the employee and his

wife was acrimonious. The wife and the minor daughter were not in touch with the employee who resided elsewhere. The brother, sister and the deceased employee stayed together in the official residence allotted at the place of work of the employee.

7. Learned advocate representing the widow relies on the judgment delivered by the Hon'ble Supreme Court in the matter of **Shipra Sengupta Vs. Mridul Sengupta & Ors.** reported in **AIR Online 2009 SC 408** wherein the Court held that mere nomination does not have the effect of conferring on the nominee any beneficial interest in the amount payable on the death of the assured. The nomination only indicates the hand which is authorized to receive the amount.
8. Learned advocate representing the siblings of the deceased employee relies upon the judgment delivered by the Hon'ble Supreme Court in the matter of **Sarbati Devi & Anr. Vs. Usha Devi** reported in **(1984) 1 Supreme Court Cases 424** wherein the Court reiterated that mere nomination does not have the effect of conferring the nominee any beneficial interest payable under the life insurance policy on the death of the assured. The heirs can claim their share in accordance with the law of succession governing them.
9. Learned advocate representing the Indian Statistical Institute relies on the instruction forwarded by the Chief Executive (A & F) signed on 2nd March, 2026 wherefrom it appears that the Institute published an advertisement in one Hindi daily and one English daily having circulation throughout India inviting response from persons having claim for family pension on account of death of the employee. The brother and sister of the deceased employee submitted their claim for

gratuity and provident fund. No claim has been received from any other person.

10. The genuineness of the documents relied upon by the widow claiming terminal dues were verified and the same has been found to be proper.
11. From the facts of the case narrated hereinabove, there is no dispute with regard to the marriage of the employee with Amrita Kumar.
12. According to the law of succession governing the employee, his widow is the first class heir of the deceased. She has already raised her claim for grant of terminal dues. The records of the employee mention the name of his siblings as nominees.
13. The Hon'ble Supreme Court in the matter of Shipra Sengupta (supra) reiterated the principle laid down in the matter Sarbati Devi (supra) that the nominee is merely the hand through which the dues will reach the actual claimant.
14. The widow being the only first class heir of the deceased would be legally entitled to his terminal dues. The nominees will not get any beneficial interest in the property.
15. Accordingly, both the writ petitions stand disposed of by directing the Indian Statistical Institute to take steps to disburse family pension and all other terminal dues of the deceased strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.
16. The writ petitions stand disposed of.
17. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)